

**MINUTES OF THE BOARD OF APPEALS OF THE CITY OF CUDAHY, WI.  
HELD AT THE MUNICIPAL BUILDING, 5050 S. LAKE DR., CUDAHY, WI.  
Wednesday, May 26, 2010**

**ROLL CALL**

Chairman Harry Savagian called the meeting to order at 6:30 PM with the following members present: Harry Savagian, Kathy Wojtysiak, Jim Hooper and Glen Walters. Alternate member Randy Pheifer was also present and voted at this meeting. Neil Jensen and Will Kaszuba were absent and excused.

**OPEN MEETING STATEMENT**

The proper open meeting statement was read.

Notes: The agenda was taken out of order switching the appeal of McDonalds to #1 and the appeal of Shawn St. Louis to #2.

Notice was given that petitioners will be given 10 minutes to make a presentation in support of their request before the Board. If supports present would like to be heard, they shall not exceed 20 minutes. All petitioners shall step up to the microphone and identify themselves and give their addresses before speaking. At the conclusion of statements from the audience the Board of appeals shall deliberate in open session toward a decision. Only members of the Board shall speak at that time and no further comments from the public shall be allowed.

**APPEAL NO. 1:** To hear the appeal of Steren Management, for 6163 S. Packard Ave.

**Type or Building Use:** Restaurant, drive thru **Zoning:** B-2 **Key No:** 682-9940

**Lot Size:** 129,744 sq. ft.

**Requested Variance:** Visibility hardship for northbound traffic. Proposing 43.5 sq. ft. monument at 15' overall height with 24.77 sq. ft. red electronic message center for a third on-site sign totaling 68.27 sq. ft. Owner is requesting a variance of 36.09 sq. ft.

**The reason for denial of approval/permit is as follows:**

Cudahy Municipal Code Sec. 17.0603 Existing Nonconforming Signs. Signs lawfully existing at the time of the adoption or amendment of this code may be continued even though the use, size, or location may not conform to the provisions of this Code. Such signs shall be legal nonconforming signs and shall comply with the following regulations: A.) Legal nonconforming signs may be repaired provided they are not relocated, expanded, enlarged, repositioned, or raised in height. B.) In the event that any such sign or its supporting structure is hereafter damaged or altered to an extent exceeding 50 percent of the replacement cost of the sign, or is removed by any means, including an act of God, such sign when restored, reconstructed, altered, repaired, or replaced must conform to the requirements of this Code. C.) Any change in ownership or tenancy of premises shall necessitate that the signs be brought into conformance with the requirements of this Code. D.) Any time an application is made to change any or all signs on a site, including word changes, as a condition of approval, all nonconforming signage on that site shall be eliminated and/or made to comply with the regulations in this section, with the following exceptions: (Am. #2258) (1) Changeable copy signs such as bulletin boards and electronic message boards. (2) Legal nonconforming billboards.

A non-conforming, freestanding sign was blown down on March 25, 2010. The owner wishes to replace freestanding sign with a vertically oriented monument sign and allow all other signage to remain in place. This site affords the owner 67.5 square feet. If approved, total square footage of new and existing signage would be 103.59 sq. ft.

Mr. Jeff Stern owner of the property appeared before the Board. He explained that the 29 year old sign blew over and further stated that there was good visibility Southbound, but non Northbound. He asked to erect a monument sign which is attractive. He stated that the base should not be part of the square footage. He stated that he knew he could not add to the sign and that they will conform to setbacks.

**MOTION BY JAMES HOOPER, SECOND BY GLEN WALTERS** to approve the variance of 36.09 square feet as requested. Motion carried unanimously.

**APPEAL NO. 2:** To hear the appeal of Shawn St. Louis, 3426 E. Bottsford Ave.

**Type or Building Use:** Single Family Residential **Zoning:** RS-2 **Key No:** 590-0290

**Lot Size:** 75' x 118'

**Requested Variance:** Asking to be allowed to construct 40' x 25' (1,000 sq. ft.) garage.

**The reason for denial of approval/permit is as follows:**

The reason for denial of approval/permit is as follows:

Cudahy Municipal Code Sec: 17.0504 A. Accessory Uses and Detached Accessory Structures

(1)(d)3. On lots with a width of 45 feet or more, one (1) structure shall not exceed 720 square feet and the second structure shall not exceed 150 square feet, or when only one (1) accessory building is constructed it shall not exceed 800 square feet.

Requested Variance: Owner is requesting to build a 1,000 square foot garage without a shed. A Variance of 200 square feet is requested.

Shawn St. Louis appeared before the board to present his case. He stated that he has two large vehicles (trucks & boats) law equipment etc. He stated that the end of his truck hangs into the alley and has been damaged in the past. He has a 5' approach and the setback to house is OK. He stated he will put in 9' x 8' and 16' x 8' overhead garage doors with service door and three windows on the south. He will put in a new foundation and build the garage from scratch.

**MOTION BY JAMES HOOPER, SECOND BY GLEN WALTERS approve amended** variance reducing variance to 150 sq. ft. allowing construction of 950 sq. ft. which has a footprint of 25' x 38' and 2 decorative louvers on east and west elevation with 3' maximum pedestrian sidewalk to east and remaining area to be maintained green space to east lot line. Motion carried unanimously.

**MOTION TO ADJOURN BY JAMES HOOPER, SECOND BY GLEN WALTERS @ 8:05** PM. Motion carried.

Submitted by: Kathy Wojtysiak, Acting Secretary